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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,174	03/16/2006	Simon Jeremy East	5035-236US/P32,185USA	5211
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SYNNESTVEDT LECHNER & WOODBRIDGE LLP			FAN, HUA	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/572,174	EAST ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	HUA FAN	4134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>3/16/06</u>	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 8 objected to because of the following informalities: claim 8 depends on claim 1, "all of the above conditions" recited in claim 8 lacks antecedent basis. Appropriate correction is required. Claim 8 should be depend on claim 7.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities: on page 3, line 31, "901.11" should be changed to "802.11". Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: on page 6, line 29, "a set a locally cached menu" should be changed to "a set of locally cached menu". Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: on page 10, line 4, "Ta" and "Tc" needs definitions. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10, 15-16 rejected under 35 U.S.C. 103(a) as unpatentable over US2003/0088580 by Desai et al., in view of WO 03/003688 by Pabla et al., and further in view of US patent 6976093 to Lara et al.

As to claim 1, Desai et al. discloses a method of providing content to a mobile web browsing device (figure 2, [0022]) from any of several web servers (figure2; [0022]), comprising the steps of: (a) receiving at a remote computer within a web server, connected to the device (figure 2; [0022]), a log of data identifying content that has been viewed by that specific device ([0029]), the log being generated and sent by the device ([0029]); (c) the remote computer automatically causing updated content stored on any of the web servers to be sent to the device over the wireless network ([0029]); (d) causing that updated content to be automatically stored in device memory ([0028]-[0029]).

Desai et al. discloses the remote computer is connected to the device over wireless network. However, Desai et al. does not expressly disclose the remote computer is connected to any of the web servers over wireless network. Pabla et al. discloses a separate computer connected to both device and web server (section "Summary of Invention", paragraph 2, "gateway portal").

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. with the method disclosed by Pabla et al. regarding detecting plug-and-play events. The suggestion/motivation of the combination would have been to provide a gateway portal targeted specifically at low-end wireless devices (Pabla et al., section “Summary of Invention”, paragraph 2).

Desai et al. discloses the remote computer automatically identifying the viewed content ([0029]). However, Desai et al. in view of Pabla et al. does not expressly disclose (b) the remote computer automatically identifying any of that viewed content that has been updated. Lara et al. discloses the remote computer automatically identifying content updates (col. 3, lines 15-29; col. 2, lines 35-38; col. 9, lines 49-65).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al. with the method disclosed by Lara et al. regarding automatically identifying content updates. The suggestion/motivation of the combination would have been to ensure that the content on various web servers is identical (col. 1, lines 50-56), and manage content for caching servers to ensure the cached content is consistent with the content on the original server (col. 1, lines 60-67).

As to claim 2, Desai et al. discloses the method of Claim 1 in which the log is generated at the device and replicated at the remote computer ([0029]).

As to claim 3, Desai et al. in view of Pabla et al. does not expressly disclose the method of Claim 1 in which the remote computer views multiple content from the web server and determines if the content has changed. Lara et al. discloses a separate module (“content

distributor”, col. 3, lines 15-30) in the remote computer that can view multiple contents from the web server and determines if the content has changed (col. 3, lines 15-30; col. 9, lines 49-65).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al, with the method disclosed by Lara et al. regarding the remote computer view multiple contents from the web server and determines if the content has changed. See similar motivation in claim 1 rejection.

As to claim 4, Desai et al. in view of Pabla et al. does not expressly disclose the method of Claim 1 in which the remote computer views multiple content from the web server and determines when the content has changed. Lara et al. discloses the remote computer views multiple content from the web server and determines when the content has changed (col. 3, lines 15-30; col. 2, lines 55-58; col. 9, lines 49-65).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al, with the method disclosed by Lara et al. regarding the remote computer views multiple content from the web server and determines when the content has changed. See similar motivation in claim 1 rejection.

As to claim 5, Desai et al. in view of Pabla et al. does not expressly disclose the method of Claim 1 in which the remote computer is notified by the web server if the content on the server has changed. Lara et al. discloses the remote computer is notified by the web server if the content on the server has changed (col. 2, lines 35-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al, with the method

disclosed by Lara et al. regarding the remote computer is notified by the web server if the content on the server has changed. See similar motivation in claim 1 rejection.

As to claim 6, Desai et al. discloses the method of Claim 1 in which the remote computer directly sends updated content to the device or causes the updated content to be sent to the device ([0029]).

As to claim 7, Desai et al. discloses the method of Claim 6 in which the remote computer makes a decision whether or not to send, or cause to be sent, the updated content, by taking into account the following: (b) how often the user views the content ([0032], lines 4-8); (e) what an operator of the wireless network wants to promote ([0034], lines 3-6).

As to claim 8, this claim was objected to because lacking antecedent basis. For the sake of examination, examiner assumes this claim depends on claim 7. Desai et al. discloses the method of Claim 1 in which the operator of the wireless network set thresholds for at least one of the above conditions ([0032], lines 11-18; [0033], lines 21-23). It is obvious to a person of ordinary skill in the art to apply the method of setting threshold for one of the conditions to setting the thread for more conditions.

As to claim 9, Desai et al. discloses the method of Claim 7 in which these thresholds are controlled at the remote computer and so can be updated at any point by the operator if it wants to implement different caching strategies ([0032]; [0033]).

As to claim 10, Desai et al. discloses the method of Claim 1 in which how long the cached data on the phone should stay cached before the data is removed and the device goes back to using a normal download from the web server ([0028]-[0029]). Desai et al., however, does not expressly disclose the remote computer performs the determination. Lara et al.

discloses the remote computer determines how long the cached data should stay cached (col. 17, lines 14-26).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al, with the method disclosed by Lara et al. regarding the remote computer determines how long the cached data should stay cached. See similar motivation in claim 1 rejection.

As to claim 15, Desai et al. discloses the method of Claim 1 in which the updated content is sent at off-peak periods or to otherwise fill bandwidth troughs ([0008]; [0023], lines 39-44).

As to claim 16, Desai et al. discloses a mobile web browsing device able to download and store content from a web server over a wireless network (figure 2; [0022]), wherein the device is programmed to: (a) create a log of data identifying the content that is being viewed by the device ([0029]); (b) send that log to a remote computer, the remote computer being connected to device over a wireless network ([0029]; [0022]; figure 2); (c) receive from the web server any content that has been identified by the remote computer as having been updated ([0029]); (d) automatically store that updated content in memory ([0028]-[0029]).

Desai et al. discloses the remote computer is connected to the device over wireless network. However, Desai et al. does not expressly disclose the remote computer is connected to any of the web servers over wireless network. Pabla et al. discloses a separate computer connected to both device and web server (section "Summary of Invention", paragraph 2, "gateway portal").

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. with the method disclosed by Pabla et al. regarding detecting plug-and-play events. See similar motivation in claim 1 rejection.

Desai et al. discloses the remote computer automatically identifying the viewed content ([0029]). However, Desai et al. does not expressly disclose the remote computer automatically identifying any of that viewed content that has been updated. Lara et al. discloses the remote computer automatically identifying content updates (col. 3, lines 15-29; col. 2, lines 35-38; col. 9, lines 49-65).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al., with the method disclosed by Lara et al. regarding automatically identifying content updates. See similar motivation to claim 1 rejection.

8. Claims 11-12, 14 rejected under 35 U.S.C. 103(a) as unpatentable over US2003/0088580 by Desai et al., in view of WO 03/003688 by Pabla et al., and further in view of US patent 6976093 to Lara et al., as applied to claim 1 above, and further in view of US publication 2004/0077340 by Forsyth.

As to claim 11, Desai et al. disclose the remote computer sends data to the device, and the new content being automatically stored on the device ([0028]-[0029]). However, Desai does not expressly disclose the remote computer sending data to the device automatically causes the device to display a link to new content. Forsyth discloses the remote computer sending data to the device automatically causes the device to display a link to new content (abstract; figure 1-10, see especially figure 6).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al and Lara et al., with the method disclosed by Forsyth regarding the remote computer sending data to the device automatically causes the device to display a link to new content. The suggestion/motivation of the combination would have been to make the information instantly accessible without the user having to navigate to the required function and select it (Forsyth, abstract).

As to claim 12, Desai et al does not disclose the method of Claim 1 in which the device includes a user interface that indicates whether given content is already stored in device memory or not. Forsyth discloses a user interface that indicates whether given content is already stored in device memory or not (abstract; figure 7).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al and Lara et al., with the method disclosed by Forsyth regarding a user interface that indicates whether given content is already stored in device memory or not. See similar motivation in claim 11 rejection.

As to claim 14, Desai et al. discloses recording the history of content viewed by the user of the device ([0029]). However, Desai et al. does not expressly disclose the log identifies whether content that is being viewed is updated content that had earlier been stored in device memory. Forsyth discloses a method of indicating whether the content is already stored in device memory or not (abstract; figure 7).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al and Lara et al., with the

method disclosed by Forsyth regarding indicating whether the content is already stored in device memory or not. See similar motivation in claim 11 rejection.

9. Claims 13 rejected under 35 U.S.C. 103(a) as unpatentable over US2003/0088580 by Desai et al., in view of WO 03/003688 by Pabla et al., and further in view of US patent 6976093 to Lara et al., as applied to claim 1 above, and further in view of US publication 2004/0078292 by Blumenau.

As to claim 13, Desai et al. disclose recording the history of pages of the Web site serviced by the Web server and viewed by the user of the device ([0029]); however, Desai et al. does not expressly disclose the method of Claim 1 in which the log also records the time that a specific item of content was viewed by the device. Blumenau discloses recording the time the content is viewed ([0063]).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al and Lara et al., with the method disclosed by Blumenau regarding recording the time the content is viewed. The suggestion/combination would have been to determine the duration of the content display (Blumenau, [0063]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUA FAN whose telephone number is (571)270-5311. The examiner can normally be reached on M-F 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lunyi Lao can be reached on (571) 272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. F./  
Examiner, Art Unit 4134

/Lun-Yi Lao/  
Supervisory Patent Examiner, Art Unit